

The first regular meeting of the Kingsbury Town Board was conducted on August 3, 2020 at the Kingsbury Town Hall on 6 Michigan Street, Hudson Falls.

MEMBERS PRESENT: Dana Hogan, Supervisor
Richard Doyle, Councilman
William Haessly, Councilman
Jane Havens, Councilwoman
Dan Washburn, Councilman

OTHERS PRESENT: Rebecca Pomainville, Comptroller
Michael Graham, Highway Superintendent
Todd Humiston, Enforcement Officer
Jeffrey Meyer, Town Attorney
Jeffrey Zappierri, Town Resident

The meeting was called to order at 7 PM by Supervisor Hogan and opened for the order of business with the Flag Salute led by Councilwoman Havens.

The minutes of the Town Board Meeting were accepted as submitted by the Town Clerk with a **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes with a correction requested by Councilman Haessly before the scheduled Board Meeting.

A **motion** by Councilman Doyle seconded by Councilman Washburn and carried by a vote of 5 ayes to accept a resolution for a Master Capital Project with NYS Department of Transportation for a project for Burgoyne Avenue Water Extension in the amount of \$250,000.00.

A **motion** by Councilman Washburn seconded by Councilman Doyle and carried by a vote of 5 ayes to accept the renewal of Exemption of Matters of Local Concern from Washington County Planning Agency Review Agreement.

The Board discussed Local Law No. 2 of 2005, Chapter 136. Firearms. Councilman Doyle stated firearms should be excluded from Town Court when it is in session; but he is not opposed to allowing someone with a concealed carry to bring it in.

Councilman Doyle stated he is "Pro Rights" and believes in the right to carry. He believes the law disarms victims before they become victims.

Councilwoman Havens does not support statements in the Local Law referring to the definition of firearms. She would support changing Chapter 136 and she would support rescinding the ban on lawfully permitted concealed carry holders.

The discussion continued. Supervisor asked what the difference was between a Court and a Town Hall. Councilman Washburn stated the Court is a place of confrontation and anger. Councilwoman Havens stated she assumed there are different rules governing the Court. Supervisor Hogan stated he is not in favor of changing anything, it has been set perfectly fine since 2005 without any issues. Supervisor Hogan received an email from Jerry and Jolene Caruso, Town residents, stating they are in favor of keeping the existing town ordinance as it is; they feel it is best for the protection of town employees and others on town property.

<http://www.kingsburyny.gov>

Supervisor Hogan feels the law provides us with enough flexibility if we need it.

Councilman Haessly does not like the idea if he were to have a firearm with him, he would have to leave it in his vehicle. It would not be secure and if you were on Town property, you may get into trouble.

Councilwoman Havens stated the Washington County Undersheriff feels confident that 99.9% of the gun holders in Washington County would do nothing to jeopardize their permit. Supervisor Hogan asked if the Undersheriff supports a change in the firearms law for the Town. Councilwoman Havens did not ask him that question. Supervisor Hogan is curious what the Sheriff and Undersheriff think about changing the law. Councilwoman Havens stated there is a sign on the wall in the sheriff's office that eludes to the fact that it is everyone's right and ability. During the beginning of the COVID crisis Councilwoman Havens did ask if they would do pistol permits by mail. The Sheriff said let's just do what we do. When the Governor extended the shutdown, she called the Sheriff and he agreed to do pistol permits by mail. Councilman Haessly commented when the Local Law was enacted in 2005 Town Hall was at a different location and the arrangement was different than it is now.

Councilman Haessly stated he would support Councilwoman Havens with a second if she so designs a motion with what she said before. Councilwoman Havens stated she is prepared to make a motion if anyone wants to continue a discussion.

Councilman Doyle does not want to delay but would like to speak to Jim Lindsay, the retired supervisor, and Hank Freebern, a retired Councilman who served on the Board when the law was passed to see what their thought process was at that time. He would also like to get input from the Town's acting judge as to his thoughts because the law would affect the whole Town facility.

Councilman Doyle stated he is "Pro Right" and feels banning it does not make people any safer.

Supervisor Hogan stated there is no insurance rider available to the Town policy if the code is amended to allow firearms on Town property. The discussion continued. Supervisor Hogan asked the Board how they would like to proceed. The Board will continue to research and continue the discussion at the next and possibly future meetings.

Enforcement Officer Todd Humiston reported the Village of Hudson Falls does not have anything in their code for food trucks. He does feel the Town Code requires some tweaking. He would recommend that not only ice cream trucks but any food truck should not be in front of schools during school hours. He would like to make an exception for ice cream trucks be allowed to play music to alert everyone that children may be in the area. He would also recommend no roadside parking for food trucks. Supervisor Hogan would like the suggestions in written form for the Board to review. Supervisor Hogan suggested that food trucks must be parked at least 500 feet from any establishment that sells food be added to the suggestions. The Board may submit any additional thoughts to Enforcement Officer Humiston.

Comptroller Rebecca Pomainville received health insurance quote numbers from Debbie Bell. She reported there is an 8 ½% increase in the renewal of the health insurance; last year there was no increase so that was expected. She provided information to compare our current plan with a high deductible versus going with a more traditional plan. She recommends the Town continue coverage with their current high deductible plan, it will give us the best price. The Town will save approximately \$20,000.00 each year by keeping the current plan. Councilwoman Havens asked when we had to respond. The Comptroller stated soon, papers must be filed and coverage will begin on October 1st. The discussion continued.

Councilman Doyle would like to delay renewing the health insurance for as long as possible. He is concerned with the possible cuts to come from NYS due to the pandemic. The Board will discuss at the next meeting.

TOWN CLERK:

At this time DECALS is not up and running; the new printer must be hooked up with assistance from a supervisor with DECALS.

Local Law No. 1 of 2020 has been filed with the Secretary of State, the Town Clerk is waiting to receive notification that it has been received.

The Town Recreation website has been updated by Tom Darfler; it now contains contact information for the Hudson Falls School District, website information and contact information for the Athletic Director Kathy Dudley.

Town Clerk will continue to research information on firearms in the Town Hall.

ENFORCEMENT REPORT:

Todd Humiston commented on the Exemption of Matters of Local Concern from County Planning Agency Agreement on the placement of signs on County Highways. The agreement reads - 12. Placement of signs which are not visible from State or County highways or visible from any other highway which serves as a border between adjacent communities.

These require a variance from the local code. The Town does not have big, flashy signs, they are small, they get sent back as a matter of local concern. He would like to have this updated. The **motion** to accept the agreement was rescinded by the Board pending the Washington County Planning Agency approval of the suggested change.

A **motion** by Councilman Washburn seconded by Councilman Haessly and carried by a vote of 5 ayes to amend the Exemption Agreement with the Washington County Planning Agency.

There is still an empty seat on the Zoning Board of Appeals.

NYS recommends Public Hearing signs be posted at the site of the subject of the Public Hearing.

Enforcement Officer Humiston will receive quotes from West Signs and report back to the Board.

DOG CONTROL OFFICER:

No dogs have been seized for three months; it has been a great year for dog control.

HIGHWAY SUPERINTENDENT:

Michael Graham was approached by a local developer about putting in a roadway for a multi-unit apartment complex. The road is only going to serve one tax parcel. In Kingsbury there are no roads serving one tax parcel. In Kingsbury there are other multi apartment complexes with private roads which are not maintained by the Town. The discussion continued. The Board agrees the road in question should be a private road and not a Town road. The Board will discuss this issue for future projects as the Town is growing.

COUNCILMAN REPORT:

Councilman Washburn had a conversation with Joe Brilling of the Washington County Sewer Agency. Mr. Brilling sent a copy of an Inter-Municipal Agreement and also forwarded it to the County Sewer Agency attorney for review. The Sewer Agency is requesting that the Town consolidate all of their sewer districts so there is only one district to monitor. Attorney Meyer stated it is extremely difficult to do because the sewer districts have to touch. The Town's sewer districts have large gaps and would be costly to connect them. Mr. Brilling's other concern is when you expand, the sewer plant has to take the volume and DEC requires you to get rid of stormwater that is currently dumping into the sewer line in the Village of Hudson Falls and Fort Edward. There are some different options, installing separators at the sewer plant is one option but it is a lot of money, possibly half a million to a million and the cost would be paid for by the new district. It is not the current volume but the expansion of the potential volume.

Councilman Washburn stated we are currently running 1.8 million gallons per day and the system is designed to carry 2.1 million gallons. If we were to do an expansion in Kingsbury of the sewer district and if everybody tied into the sewer district what would be the volume with the added customers. A study would have to be done to determine the amount of added usage and if the current system could handle it. The discussion continued. Councilman Washburn commented if there were an IMA with the Washington County Sewer Agency they will take part of the ad valorem and it will go into a specific account to deal with the pump station, to deal with the labor force power, whatever it is that will solve this immediate issue.

Councilwoman Havens contacted the sheriff in regard to a visitor at Town Hall. It has been determined that it is not going to be a real problem but a distraction. The gentleman is more of a victim than he is a threat.

Councilwoman Havens had a customer who felt there was not a state of emergency in Washington County. She was circulating a petition to bring to the Board of Supervisor's to request that the State of Emergency from Washington County be removed. Councilwoman Havens suggested she contact her Town Supervisor to see if she could speak at a Board of Supervisor's meeting.

Councilwoman Havens "Good News About Town" that was National news; two priests and two congregates filed a lawsuit against the Governor and the Mayor of New York City stating it was wrong to limit the number of parishoners in church services at the same time they were allowing protestors and praising the protestors. On June 26th the Judge filed a response in their favor. The Governor, Mayor De Blasio and the Attorney General were held accountable. It was the church on 100 Boulevard in Hudson Falls; The North American Martyrs Chapel that had filed the lawsuit.

Councilman Haessly has reviewed the Charter Communications agreement and would like a map to identify how many houses in different sections of the Town that do not have service. The review indicated Charter is willing to pay the Town in quarterly payments. Attorney Meyer will set up a meeting with Charter.

Councilman Haessly met with Water Superintendent James Chase to tour the Dean Road pump station. We are set up for an emergency there with a receiving tank and other tanks if the system fails.

Councilman Doyle received an inquiry about the Kingsbury Landfill for solar. The nearest sub-station is across from the bus barn. Enforcement Officer Humiston stated there is enough room for the power but it would cost a million dollars to run the 3-phase line to the sub-station.

Supervisor Hogan suggests the Town consider a 6 to 12- month moratorium on solar development. On July 8, 2020 at an executive meeting of the Warren/Washington County IDA there was discussion of changing the rules related to the 1999 resolution requiring the approval of the Kingsbury Town Board before the implementation by the Warren/Washington County IDA of any real property tax abatement for projects located in the Town of Kingsbury. Supervisor Hogan requested a copy of the Resolution adopted by the Town Board in 1999 from the WWIDA three times, and has yet to receive a response and has heard that the records may not exist.

Supervisor Hogan is concerned that the Accelerated Renewable Energy Growth and Community Benefit Act passed earlier this year is creating an initiative by the WW IDA to get involved in Solar PILOTS. He would like to see where the IDA is headed with changing the rules of the 1999 resolution before the Town has any more projects at their desk. Supervisor Hogan stated there has been talk of a possible County wide PILOT and will it supersede the Town Law. He also does not know what impact the

Accelerated Renewable Energy Growth and Community Benefit Act have on the Town, it may pull out the Planning and Zoning of the solar arrays in the Town and put it in the hands of the NYS Economic Development Council. Supervisor Hogan stated we do not have a Master Plan or an Agricultural Stewardship Plan; until we have those, he is uncomfortable without any statewide promotion of solar. Councilman Haessly stated he thought it a good idea for a 12- month moratorium so that the Board can establish proper zoning.

Councilwoman Havens supports Supervisor Hogan on a moratorium for solar development. The discussion continued.

A **motion** by Councilman Haessly seconded by Councilwoman Havens and carried by a vote of 5 ayes to set a Public Hearing on August 17, 2020 to discuss a proposed Local Law imposing a limited large- scale solar energy generating facility land use moratorium.

PUBLIC COMMENT:

Jeffrey Zappierri is curious about the firearms issue and where it came from. Councilman Haessly stated it came from him; it is something he has never liked and it was time to bring it up.

Mr. Zappierri stated Master Planning takes a long time and a lot of money; but the Ag Planning may be a lot more doable. The Department of State could be helpful on the Ag Planning.

A **motion** by Councilman Doyle seconded by Councilman Haessly and carried by a vote of 5 ayes to enter into an executive session at 9:03 PM to discuss a potential legal matter.

There being no further business before the Board a **motion** by Councilman Haessly seconded by Councilman Doyle and carried by a vote of 5 ayes to adjourn the meeting at 9:46 PM. No action was taken during the executive session.

Respectfully submitted,

Cynthia A. Bardin, Town Clerk